



B1 1646
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Howard, Andrew D.

Serial No.: 10/031,014 Case No.: 20493P

Art Unit: 1646

Filed: January 10, 2002

Examiner: Pak, Michael D.

For: NUCLEIC ACID ENCODING MELANIN-
CONCENTRATING HORMONE RECEPTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

Sir:

The Notice of Allowability mailed March 29, 2005, requires Applicant to affirm an election made in a telephonic restriction requirement; and notes a telephonic interview on March 14, 2005. Applicant affirms the election of Group 1 with traverse. Group I is drawn to claims 1-18 and SEQ ID NOs: 4 and 6.

The telephonic interview of March 14, 2005 concerned the cancellation of non-elected claims and amendments to claims 1, 9, 16 and 17. Applicant authorized cancellation of claims drawn to the non-elected inventions and the Examiner amendment to the claims noted in the Notice of Allowability. The amendments to claims 1 and 9 were made to be consistent with the elected group. The amendments to claims 16 and 17 removing reference to "recombinant" and inserting "isolated" in claim 16, clarifies that the cell is not an *in vivo* cell. The amendment to claim 17 also further indicates "and isolate the polypeptide."

37 C.F.R. 1.8 Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Sheldon O. Heber

Date May 16, 2005

Sheldon O. Heber

Please charge Deposit Account No. 13-2755 any fees due in connection with this
Communication.

Respectfully submitted,

By Sheldon Heber
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